

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-23-06**

*WHEREAS, NEWFOREST LANDSCAPING, INC.* applied to Community Zoning Appeals Board 14 for the following:

AU to EU-S

SUBJECT PROPERTY: The north ½ of the SW ¼ of the NE ¼ of the NW ¼ of Section 14, Township 57 South, Range 38 East.

LOCATION: The east side of S.W. 194 Avenue & 668' south of S.W. 312 Street, Miami-Dade County, Florida, and

*WHEREAS,* a public hearing of Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard and at which time the applicant proffered two alternative Declarations of Restrictions, and,

*WHEREAS,* upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 14 that the requested district boundary change to EU-S would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB14-5-06, and

*WHEREAS, CORREA VENTURES, INC. F/K/A: NEWFOREST LANDSCAPING, INC.* appealed the decision of Community Zoning Appeals Board 14 to the Board of County Commissioners for the following:

AU to EU-S

SUBJECT PROPERTY: The north ½ of the SW ¼ of the NE ¼ of the NW ¼ of Section 14, Township 57 South, Range 38 East.

LOCATION: The east side of S.W. 194 Avenue & 668' south of S.W. 312 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

1. That the development of the Property shall be limited to a maximum of five (5) residential lots.
2. That the utilization of SURs (Severable Use Rights) is prohibited.

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, after reviewing the record and decision of the Metropolitan Dade County Zoning Appeals Board 14 and after having given an opportunity for interested parties to be heard, it was the opinion of the Board of County Commissioners, Miami-Dade County, Florida, that that the grounds and reasons alleged by the appellants specified in the appeal were sufficient to merit a reversal of the ruling made by the Zoning Appeals Board in Resolution No. CZAB14-5-06 and the appeal should be granted and the decision of Community Zoning Appeals Board 14 should be overruled, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that a district boundary change to EU-1 in lieu of the requested district boundary change to EU-S would be compatible with the neighborhood and area concerned and would not be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be approved, and

WHEREAS, a motion to accept the Declaration of Restrictions, grant the appeal, overrule the decision of Community Zoning Appeals Board 14, and approve a district boundary change to EU-1 in lieu of the requested district boundary change to EU-S was offered by Commissioner Katy Sorenson, seconded by Commissioner Carlos A. Gimmenez, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	absent
Jose "Pepe" Diaz	absent	Dorin D. Rolle	aye
Audrey M. Edmonson	aye	Natacha Seijas	absent
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	absent	Rebecca Sosa	aye
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez                      aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 14 is overruled.

BE IT FURTHER RESOLVED that a district boundary change to EU-1 in lieu of the requested district boundary change to EU-S be and the same is hereby approved and said property is hereby zoned accordingly.

BE IT FURTHER RESOLVED that Resolution No. CZAB14-5-06 is hereby null and void.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning and to issue all permits in accordance with the terms and conditions of this resolution.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 8<sup>th</sup> day of June, 2006, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 06-1-CZ14-5

ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **KAY SULLIVAN**  
Deputy Clerk


THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 13<sup>TH</sup> DAY OF JUNE, 2006.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-23-06 adopted by said Board of County Commissioners at its meeting held on the 8<sup>th</sup> day of June 8, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 13<sup>th</sup> day of June, 2006.



\_\_\_\_\_  
Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

**SEAL**





Department of Planning and Zoning

Stephen P. Clark Center  
111 NW 1st Street • Suite 1210  
Miami, Florida 33128-1902  
T 305-375-2800

June 13, 2006

miamidade.gov

Correa Ventures, Inc. f/k/a: Newforest Landscaping, Inc.  
c/o Felix Lasarte  
701 Brickell Avenue  
Suite 3000  
Miami, Florida 3131

Re: Hearing No. 06-1-CZ14-5  
Location: The east side of S.W. 194 Avenue  
& 668' south of S.W. 312 Street,  
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-23-06, adopted by the Board of County Commissioners, which **accepted your Declaration of Restrictions, granted your appeal, overruled Community Zoning Appeals Board 14's decision, and approved a district boundary change to EU-1 in lieu of the requested district boundary change to EU-S** on the above described property. Failure to comply with stipulated conditions, if any, will result in the immediate issuance of a civil violation notice for each condition violated. Each notice issued may require payment of a daily monetary fine.

If, as stipulated in the resolution, building permits and/or use, occupancy or completion certificates will be required, note that permits must be obtained and final inspection approvals received for construction work done or required prior to issuance of the applicable certificate(s) pursuant to Section 33-8 of the Zoning Code. Payment of certificates may be subject to annual renewal by this Department. Application for required permits and/or certificates related to use, occupancy or completion should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. If there are anticipated changes from any plan submitted for the hearing, a plot use plan is to be submitted to this Department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

The Board's decision may be appealed by an aggrieved party to Circuit Court within 30 days of the date of transmittal of the resolution to the Clerk of the County Commission. The transmittal date is **June 13, 2006**. In the event an appeal is filed, any building permit sought shall be at the risk of the party seeking said permit. Copies of any court filings concerning this matter should be served upon both my office and:

Murray A. Greenberg, County Attorney  
111 N.W. 1st Street, Suite 2810  
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosure

ADA Coordination  
Agenda Coordination  
Animal Services  
Art in Public Places  
Audit and Management Services  
Aviation  
Building  
Building Code Compliance  
Business Development  
Capital Improvements  
Citizens' Independent Transportation Trust  
Commission on Ethics and Public Trust  
Communications  
Community Action Agency  
Community & Economic Development  
Community Relations  
Consumer Services  
Corrections & Rehabilitation  
Cultural Affairs  
Elections  
Emergency Management  
Employee Relations  
Empowerment Trust  
Enterprise Technology Services  
Environmental Resources Management  
Fair Employment Practices  
Finance  
Fire Rescue  
General Services Administration  
Historic Preservation  
Homeless Trust  
Housing Agency  
Housing Finance Authority  
Human Services  
Independent Review Panel  
International Trade Consortium  
Juvenile Services  
Medical Examiner  
Metro-Miami Action Plan  
Metropolitan Planning Organization  
Park and Recreation  
**Planning and Zoning**  
Police  
Procurement Management  
Property Appraisal  
Public Library System  
Public Works  
Safe Neighborhood Parks  
Seaport  
Solid Waste Management  
Strategic Business Management  
Team Metro  
Transit  
Task Force on Urban Economic Revitalization  
Vizcaya Museum And Gardens  
Water & Sewer